

EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

Tuesday 28 February 2006

Session 2

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EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

3rd Meeting 2006, Session 2

CONVENER

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DEPUTY CONVENER

Irene Oldfather (Cunninghame South) (Lab)

COMMITTEE MEMBERS

Dennis Canavan (Falkirk West) (Ind)

Mrs Margaret Ewing (Moray) (SNP)

*Phil Gallie (South of Scotland) (Con)

*Mr Charlie Gordon (Glasgow Cathcart) (Lab)

Mr John Home Robertson (East Lothian) (Lab)

Gordon Jackson (Glasgow Govan) (Lab)

*Mr Jim Wallace (Orkney) (LD)

COMMITTEE SUBSTITUTES

Ms Wendy Alexander (Paisley North) (Lab)

Derek Brownlee (South of Scotland) (Con)

Richard Lochhead (North East Scotland) (SNP)

Nora Radcliffe (Gordon) (LD)

*attended

THE FOLLOWING GAVE EVIDENCE:

Ian Donaldson (Scottish Executive Finance and Central Services Department)

Mr Tom McCabe (Minister for Finance and Public Service Reform)

CLERK TO THE COMMITTEE

Alasdair Rankin

ASSISTANT CLERKS

Emma Berry

Nick Hawthorne

LOCATION

Committee Room 5

Scottish Parliament

European and External Relations Committee

Tuesday 28 February 2006

[THE CONVENER *opened the meeting at 13:37*]

Scottish Executive European Union Priorities 2006

The Convener (Linda Fabiani): Good afternoon, everyone, and welcome to the third of our committee meetings this year. I have received apologies from Irene Oldfather and Margaret Ewing, as well as from Dennis Canavan, who is in Dublin in connection with his reporter's inquiry.

I apologise to the minister and those who were waiting outside for the late start. We are now quorate with the help of Mr Gallie and Mr Wallace. The plan was to start half an hour earlier than usual because it is likely that this will be a longer than average meeting. However, we have managed to start 23 minutes earlier than usual.

I am delighted to have with us for the first two agenda items the Minister for Finance and Public Service Reform, Tom McCabe. The first agenda item gives Mr McCabe the opportunity to present the Executive's European Union priorities for 2006 to the committee. This is the first time that the Executive has reported to the committee looking at the year ahead rather than within the six-monthly terms of the European Council presidencies.

The priorities have been presented to committee members in the form of a one-page summary for each of the 22 issues identified; the summaries state the policy issue and what the Executive proposes to do. Members have also been given a copy of the forward look for 2006 from the Executive's EU office in Brussels. I thank the Executive for providing that excellent document, which gives a lot more background and discussion of the Executive's priorities.

The committee has been linking its European Union workload directly to the Commission's annual work programme and that longer perspective seems to be a useful development that will benefit us in the future.

I invite the minister to introduce his team and then present the Executive's priorities paper. We will then move on to questions.

The Minister for Finance and Public Service Reform (Mr Tom McCabe): Thank you and good afternoon. As you can see, I am accompanied by Nikki Brown and Lynne Vallance.

Thank you for the opportunity to come along this afternoon. As the convener said, I intend to speak about what we see as the priorities for the European Union in 2006 and to follow that with a discussion about the G8 economic impact report.

As the committee is aware, the European Union has a significant legislative impact on Scotland. It goes without saying, therefore, that it is critical that the Scottish Executive has an effective strategy for engaging with the EU across all policy areas. I am therefore very pleased to have the opportunity to present the Scottish Executive's new approach to engaging with the European Union. Members may remember that, last year, I discussed the new approach with the committee. I explained that the key issues paper would replace the current practice of individual ministers outlining their EU priorities within their portfolios.

"Key EU dossiers for the Scottish Executive" is an overarching paper that highlights 22 EU dossiers that ministers have selected to have the highest priority for the Scottish Executive in 2006. Members will see that those dossiers cover a wide range of policies and are all of key importance to Scotland's interests. As I mentioned, all ministers support the 22 dossiers that have been selected and are committed to pursuing them in the next 12 months.

I am more than happy to answer the committee's questions. As I am sure that members are aware, my Cabinet colleagues will be happy to give more detail as they report to the committees that deal with their portfolios.

Phil Gallie (South of Scotland) (Con): I thank the minister for the 22 objectives that are set out and for the information that lies behind them. With the convener's consent, I will pick up on one or two objectives in a moment.

The minister talked about the major impact that European Union legislation has had on Scotland. We are now under the Austrian presidency of the EU. Is the Executive disappointed by the Austrian presidency's concentration on revitalising the European constitution?

Mr McCabe: It is clear that the Union is in a period of reflection on the constitution, to which two countries voted no. That reflection continues. Our discussions with the United Kingdom Government have reflected a joint desire to continue to search for a solution that meets all European Union members' requirements. Different members have different views. The Prime Minister has made it clear that he thinks that a strong debate is needed about the future of Europe. How that is conducted—whether it relates to the constitution or whether member states are prepared to look more comprehensively at what requires to be done to secure a viable future for

the European Union—remains to be seen. The British Government will continue to make its representations and to do what it believes is in the best interests of citizens of this country.

Phil Gallie: I will ask about a couple of specifics—I have more questions if nobody wishes to speak later. The first issue, which is important for the Scottish agricultural industry, is lifting the EU beef export ban. Your paper notes stringent opposition to that from a few EU countries—France and Germany to name but two. If agreement is not reached, does the Executive have a plan B to fall back on?

Mr McCabe: The United Kingdom Government is working hard and we are working as hard as we can with it to do our best to secure a positive outcome. As you know, the EU Food and Veterinary Office published a favourable report last year. Discussion will take place and it is hoped that decisions will be taken in the first week of March. People are working hard to secure a positive outcome.

I will not speculate on the possibility of failure. Each member state needs to sign up to the decision. Much progress has been made and we will do our best to capitalise on that progress when the vote is taken in the first week of March.

Phil Gallie: Given the emphasis that you have placed on the excellent report, have you any idea why the two nation states to which I have referred oppose the British beef return?

13:45

Mr McCabe: I am sure that they have read the report in detail and might have concerns about particular aspects of it, but I can only speculate, because I do not know the exact detail. Their concerns might be linked to the main issue or to other issues. As I am sure you are aware, sometimes that is the nature of how the European Union works. You might even say that some people are unhappy about other agreements that have been made recently and are expressing their view on them in other ways.

The Convener: I will come back to Phil Gallie, but I have a quick question on that issue. Some time ago there was discussion about whether Scottish beef, as opposed to British beef, could get back into Europe. Is that topic still under discussion?

Mr McCabe: It was considered, but it was shown that that would cause considerable difficulties because the two markets are intrinsically linked.

Mr Jim Wallace (Orkney) (LD): The summary of the dossier indicates that there was a block on lifting the ban in late January, but it is now

anticipated—although not guaranteed—that the ban will be lifted in April. What changed to cause that anticipation?

Mr McCabe: As you know, discussions go on all the time. As a result of the discussions that have taken place, people have a higher degree of confidence that we might be able to secure a positive outcome. A lot of those discussions take place in a particular way and I am not necessarily party to all the details. However, the indications that we have received are that as representations are made and discussions are held between member states there is a feeling that progress is being made and that people are more confident today than they were at the turn of the year.

Mr Wallace: Mr Gallie mentioned the opposition from France and Germany. It is interesting that the one country from which there is opposition that he did not mention is Austria, which holds the presidency. Given the number of times that UK and Scottish ministers told us of the importance of being in the chair and holding the ring when we held the presidency in the previous six months, are ministers disappointed that Austria is being so partisan?

Mr McCabe: I am sure that a diplomatic form of words will be found to suggest to our Austrian colleagues—in a way that is not about trying to teach our granny to suck eggs—that there is a way in which one conducts the presidency.

Mr Wallace: I hope that the Austrians read the *Official Report* of the meeting.

I think we would all agree that that issue, and the others that are identified in the paper, are all important. Having had to present such reports in the past, I think that what has been done is a welcome step forward. The reports are much clearer, succinct and focused, which is to be welcomed.

What was the process for identifying the 22 priorities? Was it an entirely internal, Executive process, or was there engagement with key stakeholders?

Mr McCabe: There was a process whereby individual portfolio ministers were asked their view about areas that are of importance to them. How they went about their business is an issue for them. In line with the way in which the Executive works, we have demonstrated since 1999 that we are interested in ensuring that we take the pulse of Scotland and people who have specific interests in subjects. I am sure that my ministerial colleagues were interested in securing the views of external stakeholders about what would be the most important issues during 2006.

Mr Wallace: Are the dossiers ranked in any particular order?

Mr McCabe: No. There is a fairly wide span of interest across the 22 dossiers. There are a lot of papers, which are simply numbered 1 to 22. As time progresses, other issues can come up. It might well be that other issues of significance emerge, in which case ministers would deem that they required to focus on them. The picture can change and will always be fluid, given the nature of the European Union. We have identified these 22 dossiers. The last thing that we want to do is give the impression that we are concentrating on them to the exclusion of any other developments that take place.

Mr Wallace: That is helpful. I would like to ask one final—

The Convener: Is it about specifics?

Mr Wallace: I will, perhaps, come back to the specifics but I have one general question left.

The helpful way in which the document is set out suggests to me that it would probably lend itself to a report back on the progress made on each of the issues. Is that anticipated?

Mr McCabe: The papers that you have before you have been seen by the Cabinet recently. After six months have passed, I intend to go back to my Cabinet colleagues for an update report. I would be more than willing to share with the committee the details of any progress that we think we have made in that time.

The Convener: We used to have six-monthly reports. It might be useful to have a half-yearly report now that we are doing the year-ahead round-up.

Mr McCabe: We are always happy to be as helpful as we possibly can be to parliamentary committees.

The Convener: I would never have doubted it.

Mr McCabe: The committee might want to consider whether it would want to receive the six-monthly report in person from a minister or through correspondence.

The Convener: We will reserve judgment on that.

Phil Gallie: One of the papers refers to the working time directive. I point to a recent decision in the European courts that stand-by hours for doctors in hospitals should be included in the calculation of working time. Obviously, that has massive implications for the health service and for some private employers. What is the Scottish Executive's stand on that matter? I recognise that the matter is reserved, but the document says that you are in contact with the Department of Trade and Industry in relation to the matter.

Mr McCabe: We are, indeed, in contact with the DTI. In the joint ministerial committee on Europe, which meets in London regularly, Scottish

ministers have offered their support to United Kingdom ministers as they pursue the opt-out in relation to the working time directive. We made it clear that we see that opt-out as maintaining maximum labour market flexibility in the UK. We did not agree with the court judgments that put what we regarded as an extremely elastic interpretation on the legislation.

Phil Gallie: I welcome that support. Strangely, I think that the Labour Government is absolutely right on the issue. Nevertheless, the courts have made a judgment. Will we be forced to implement their decision?

Mr McCabe: We are pursuing the opt-out and think that we are making good progress. As I said, the Executive strongly supports the UK Government's position and we think that we can make positive progress with regard to what we consider to be a situation that would be in the best interests of the British labour market.

We are confident that we will not be forced into the position that you describe. However, as with anything else, until a conclusion is reached, there is always a degree of uncertainty.

Phil Gallie: Do any other members want to chip in before I ask about another issue?

The Convener: We are all generally concerned about that issue and I am glad to hear the minister say that the word seems to be that it will be okay.

Mr McCabe: Certainly, we think that significant progress has been made. Closure has not yet been reached but, through the forum that I referred to, Scottish ministers have expressed their views about the detrimental impact that the proposal would have on our public services, especially our health service.

Phil Gallie: I would like to ask about the groundwater daughter directive—I do not know where that title came from. I recognise that this is not your area of speciality, minister, but you will realise that there has been an on-going debate about the use of sewage sludge to fertilise useless ground for forestry growth. It seems that that use of sewage sludge has been unsupervised. That is emphasised by a current court case in which SEPA is involved. On the wider issue, can you assure us that the use of sewage sludge for such purposes will not contravene the groundwater daughter directive in the long term?

Mr McCabe: I assure the committee that the United Kingdom has advocated a risk-based approach to the subject. We recognise the technical difficulties with using the type of sewage sludge that you mention and we are trying to advance the position that groundwater is important. It accounts for some 5 per cent of drinking water in the UK but it accounts for a

substantially higher proportion of drinking water in other countries. Some people advocate a purist position—pardon the pun—or an idealist position, but we need to take a more realistic approach that is risk based and proportionate and which does not place unnecessary burdens on the various sectors of our economy.

Phil Gallie: One matter that you have not covered in the 22 dossiers, as far as I can see, is the disposal of sewage and other waste products by burning. Should that be covered, given that there is interest in the matter in Europe?

Mr McCabe: I am not aware of any forthcoming directive on that, but if one is published we will consider it and give it the appropriate attention.

Phil Gallie: I am thinking about the situation at Longannet because questions have been asked about the burning of sewage sludge there. Perhaps the dossiers cover new directives rather than the implementation of old directives. Would it be worth while for the minister to take just a little bit of interest in the matter?

Mr McCabe: I will certainly note the matter. If there is anything that we can report back to you in writing, we will do so.

Phil Gallie: Thank you.

Mr Wallace: One of the key dossiers is on the internal market in services. The tenor of the paper is that that is a reserved matter, but it has considerable implications for Scotland's service sector. Has the Executive done a strengths, weaknesses, opportunities and threats analysis of the draft directive and considered how it will impact on Scotland's service sector?

Mr McCabe: Our most substantial concern was perhaps about the country of origin principle. As you know, recent decisions in the European Parliament removed that principle and a refreshed directive will be published in the near future.

The directive will increase flexibility and market opportunities and we broadly support it.

Mr Wallace: Your concern about the country of origin principle was widely shared, but have you picked up any intelligence—since the European Parliament voted on the matter—about the likely response from the European Commission? Is the principle a dead duck or will there be attempts to introduce it by the back door?

Mr McCabe: I do not have definite intelligence on that, but our firm impression is that it is a dead duck.

The Convener: I am aware that the proposed European institute of technology does not fall within your brief, but I understand that, during the past week, further progress has been made on the form that the institute will take. Have you heard anything about that?

Mr McCabe: As I understand it, the Commission published its proposal within the past week. The concerns that have been expressed from the UK perspective are centred on the funding of the institute. There is concern that, however the institute is funded, it should not detract from the overall quantum of research and development funding that is available.

The Convener: So the Executive is still considering the institute's potential for Scotland, even in the light of what was decided last week.

Mr McCabe: The proposals are in their very early stages, but the issue is on our radar and we will make appropriate representations.

The Convener: Good. Thank you.

14:00

Phil Gallie: I would like to press the minister on that matter. The idea embraces all the higher education institutions in Europe, but such an institute would need headquarters—it would need a base from which to oversee activities throughout Europe. Does the Executive want such a base in Scotland?

Mr McCabe: Before deciding that, we must be satisfied that setting up a separate institute is the right way forward and that we will not simply create another bureaucracy that detracts from the quantum of research and development funding. That question is open and we must consider it further before we reach a conclusive view.

Mr Wallace: Given their comprehensiveness, perhaps it is unfair to point out that there is an omission in the dossiers—unless I have missed the issue.

The Convener: You have kept the hard question until the end.

Mr Wallace: Mr McCabe said that new issues could emerge over six months. The Executive's forward-look document states:

"The directive on avian influenza was concluded at the end of 2005."

That is clearly an important issue. Is there any updated information on it that the minister can share with us, perhaps from the relatively recent agriculture and fisheries council meeting?

Mr McCabe: I think that the meeting to which the member refers was held in December last year. We are concentrating hard on ensuring that we implement the avian influenza directive properly in Scotland. Avian influenza is clearly an important issue with which people throughout Europe are struggling, and we want to ensure that we can demonstrate that we have done all that we possibly can to address it. We are taking a strong interest in the matter and concentrating on

implementing the decisions that were taken in December.

Phil Gallie: I refer to the dossier on the applicable law and jurisdiction in divorce and would like to pick up on an issue to do with general principles. There seems to be a European law harmonisation process. Even within the United Kingdom, Northern Ireland, England and Wales and Scotland have different legal systems. Is not the Commission's interest in trying to harmonise laws throughout Europe a step too far? There are totally different cultures and attitudes towards such issues throughout Europe.

Mr McCabe: The area is undoubtedly extremely sensitive. The proposals are at a very early stage and it would be premature to try to predict what the United Kingdom Government's stance will be. The proposals are being considered, but it goes without saying that, given the sensitivities on the issue, it may be some time before conclusions are reached or progress is made here or elsewhere.

The Convener: We should note that the Justice 1 Committee will consider the issue.

Mr McCabe: Will it?

The Convener: Yes.

Phil Gallie: That is interesting.

The Convener: Thank you for giving evidence on the Executive's EU priorities, minister.

The clerks have suggested that we could consider the Executive's EU priorities at our next meeting with the benefit of a paper that compares them with the priorities that the committee previously agreed to track. Such consideration would be useful for our forthcoming trip to Brussels. Do members agree that we should do that?

Members indicated agreement.

The Convener: I suspend the meeting for a couple of minutes to allow a changeover of Executive officials. I believe that the officials will metamorphose any minute.

14:04

Meeting suspended.

14:05

On resuming—

G8 and Council of the European Union Presidencies Inquiry (Executive Response)

The Convener: I am glad to see that we still have the same minister, but flanked by two different officials. Item 2 follows up the committee's inquiry report last year on the G8 summit and the UK presidency of the Council of the European Union, and the Executive's response to that report. Members will be aware of the post-event impact study that was commissioned from consultants by the Executive, on the costs and benefits to Scotland of having hosted the G8 summit. Paper 2 contains a summary that has been provided by the Executive of the figures for the various costs before and after the summit, along with a summary of the inquiry report's recommendations, the Executive's response and a copy of a letter from the minister on meeting the costs that were incurred by Scottish public bodies. I ask the minister to introduce his team and to make an opening statement before we move to questions.

Mr McCabe: I am joined this afternoon by Ian Donaldson and John Ireland. I wish to take a few moments to put into context our view of the G8 summit, and I thank the committee for the welcome opportunity to do so. We regarded it as a considerable honour for Scotland to be chosen to host the G8 summit. It gave us an opportunity—which we took—to promote our country around the globe. A primary objective for the Scottish Executive's activity around the summit was to ensure that, in hosting the meeting, Scotland took full advantage of the promotional opportunities. In line with the aims of the Executive's international strategy, we wanted to promote two key areas: first, we wanted to promote Scottish policy perspectives, demonstrating that Scottish people and organisations are actively engaged in helping to meet the global challenges that the summit would tackle; and secondly, we wanted to promote Scotland as a great place to live, work, study and do business.

I welcomed the committee's inquiry into the Scottish Executive's preparations for the G8 summit and the contribution that Scotland could make to the event. The convener has referred to my letter to the committee of 16 June 2005, responding to the inquiry's recommendations. I will write to the committee in the near future to update it on the Executive's response to those recommendations.

The Executive undertook a series of initiatives to project its two key areas and to attract and sustain

the interest of journalists, delegates and the many other people who attended events around the summit. Those initiatives included the installation at the entrance to the media centre at Gleneagles of the Scotland village, which contained zones that were sponsored by the Executive, VisitScotland, Scottish Development International and Diageo. The screen machine, which is a fully fitted travelling cinema, was installed at the Gleneagles media centre and screened examples of the best of Scottish film and films about Scotland. Journalists visiting the Scotland village were each given a specially created DVD showcasing Scottish business, tourism, education and other sectors.

On the first night of the summit at Gleneagles, the First Minister hosted a media reception, which featured Scottish music and food. At the end of the summit, the First Minister hosted a dinner for some of the most senior outreach leaders, including Kofi Annan and Thabo Mbeki, the President of South Africa, to discuss ways in which Scotland could contribute to international development challenges.

When Scotland secured the G8 summit, we said that we would commission an independent economic report to assess the full economic benefits. We published the report, which was done by SQW and was entitled "Economic Impact of hosting the 2005 G8 Summit at Gleneagles", on 14 December. It is available from the Scottish Parliament information centre and on the Scottish Executive's website. I will deal with the report in more detail later.

It is important that I emphasise that Scottish local authorities, health boards and police forces that submitted costs for additional expenditure associated with the summit have been fully reimbursed by the Executive for the agreed additional expenditure. The policing of the G8 summit was a first-class police and security operation that underlines once again that Scotland is a great location for world-class events. I believe that we are well placed to capitalise on the way in which we dealt with the summit.

The Scottish police service has received glowing praise from Governments and law enforcement agencies around the world for its exemplary handling of security for the summit and associated events. Given that responsibility for law and order and policing is devolved to the Scottish Administration, it is only right that the Scottish Executive was responsible for the bulk of the cost of the policing operation. The UK Government provided £20 million towards meeting the total policing cost of £71.9 million.

I have already mentioned the SQW report on the G8 summit. It is a comprehensive piece of work that examines in detail the benefits and costs of

Scotland's hosting of the summit and associated events such as Live 8 and the make poverty history march. I draw the committee's attention to a number of the report's main findings. The net cost to the Executive of the summit was about £60 million, but additional spending directly associated with it was worth almost £65 million to the Scottish economy. The value of the worldwide media coverage at the time of the G8 has been calculated to be more than £66 million, but the most important impacts of Scotland's holding of the summit will occur over the next few years as the country's higher profile during the event takes effect and is used to create new economic opportunities. In summary, the G8 summit was an unprecedented event that focused the eyes of the world on Scotland. We took advantage of that and will reap the rewards for years to come.

I will do my best to answer any questions.

The Convener: I have just one question, which is about what you have just said. One of the conclusions of the SQW report is that Scotland will feel the benefit of having hosted the G8 summit only in the next few years, as the country's higher profile takes effect. Must we simply accept that Scotland will benefit or can that benefit be tracked?

Mr McCabe: There may be some indicators on that; for example, we are experiencing an unprecedented rise in the number of visitors to Scotland. Although people are reluctant to link that to events such as the G8 summit, in my view it is not unreasonable to assume that the coverage that our country got at that time—which was, in the main, extremely positive—at least has something to do with it. VisitScotland is confident that the exposure that we received in the summer will result in a continuing upward trend in the number of visitors to Scotland, with all the associated economic benefits that that brings.

Mr Charlie Gordon (Glasgow Cathcart) (Lab): I have some experience of that phenomenon. Through the sampling of visitors, the tourism authorities in Glasgow have been able to track follow-up visits resulting from the city's hosting of the UEFA champions league final between a Spanish football team and a German team in 2002. Although it was mainly individual males who attended that event, Spanish and German families have visited Glasgow in subsequent years because one member of the family had been there for the football match, had received a warm welcome and wanted to come back to experience the city's wider tourism assets. In the tourism industry, it is well established that a big event can give people a reason to come to a country and there are means of tracking the ensuing repeat visits.

The Convener: Do you intend to conduct sampling through VisitScotland?

Mr McCabe: VisitScotland does such work as a matter of course and is doing it in ever greater volumes. That reflects the success that we are enjoying in attracting large numbers of visitors to our country.

Mr Wallace: You said that spending that was directly associated with the G8 was worth £65 million and that worldwide media coverage at the time of the summit had a value of £66 million, but in your letter to the committee of 11 January this year, you said:

“the report estimated the longer-term pattern of coverage to be £618 million over the six months up to and including the Summit despite the inevitable impact of the London terror attacks”.

That is publicity that we could not buy—or rather, we could buy it, but it would cost us £618 million to do so. Will you or one of your officials explain how that figure was arrived at? In addition, if any of the coverage from other G8 countries or from African countries has been compiled, perhaps you could share the material with us, perhaps by placing it in the Scottish Parliament information centre. That would give us a feel for the amount of publicity that Scotland was given elsewhere.

Mr McCabe: Our assessment is that we have done very well indeed. At the very least, our level of success is comparable with that of other countries that have held similar summits in the past.

We felt that we were perfectly entitled to present the figure of £618 million in the report, but we also made it clear that that was an extrapolation from the methodology that was applied to the Sea Island summit. We did not want to mislead people unduly.

14:15

Phil Gallie: You were correct to point out the magnificent way that the police handled the G8. That sets a good image for Scotland and perhaps the wider UK, given that the Scottish police forces relied to a large extent on back-up from other UK police forces. Is that correct?

Mr McCabe: Very much so. Our heritage and history is such that Scotland has taught the world a great many important things. Law enforcement agencies around the world will see the approach that the Scottish police took to that event. The methods that they applied proved to be highly successful. They expressed in advance great reluctance to use equipment such as water cannons; they managed to avoid using such equipment and thus avoided the distressing scenes that go along with its use. Our Scottish

police demonstrated outstanding professionalism. That they managed to do that over the course of the summit in spite of the tragic events that took place south of the border reinforces further how well we are served by our police forces, and the professionalism that exists within them.

Phil Gallie: Glasgow and Scotland are making a bid for the Commonwealth games in 2014. Will that good image serve us well in the case that we present for hosting those games?

Mr McCabe: It cannot do us any harm. If our country portrays itself in that manner, backed up by some of the stunning images of the country that were relayed around the world, it can only contribute positively to that case.

Phil Gallie: You referred to the advantages that the publicity gained us at the time of the G8, and to the longer-term impact. However, as we all recollect, memories can be short. The G8 did not quite equate with the UEFA champions league final in Glasgow to which Mr Gordon referred, because 100,000 individuals came to that whereas the G8 was attended principally by world leaders. How do we keep the spotlight on the advantages that we have gained from highlighting Scotland during the G8 summit? How do we remind people of Scotland's success and the beauty of Scotland that provided the setting for the summit?

Mr McCabe: We can do that in a variety of ways. We can do it through the work that VisitScotland does through its offices around the world and we can do it through the work of the Scottish ministers. For instance, we will in the near future again attend the tartan week celebrations in the United States. Over seven days, we will use that opportunity to promote the best aspects of our country—not only our tradition and scenery, but our world-class reputation in life-science research and our expanding activity and professionalism in financial services.

As we go around the world, we will take all such opportunities to reinforce the messages that have already been sent. We accept that promoting Scotland is not a one-hit job; it must be refreshed and sustained if we are to make maximum use of the advantage that we gained from the exposure during the G8 summit.

The Scottish Executive acknowledges that it is learning all the time—we are at the start of a process. However, more and more people in our country recognise that devolution has brought about a renewed confidence about Scotland and it is our job to capitalise on that. It is not solely the Scottish Executive's job—we are assisted by the parliamentarians who inhabit the Scottish Parliament. The Commonwealth Parliamentary Association, for example, runs many visits and engagements, and many trips are undertaken on

behalf of committees. Such events should be used to reinforce messages about the positive things that our country has given to the world and the opportunities that we have to make equally positive contributions in the future.

Phil Gallie: That is the overarching umbrella approach, but when we promote ourselves in the future, will we remind people that the organisation of the G8 summit was a great success, even though not everyone thought that the summit had a successful outcome? Jim Wallace mentioned the events in London that overshadowed the summit. However, the hosting of the G8 summit was a successful gamble for Scotland and we should remind people of that time and again.

Mr McCabe: You are right. We have hosted a number of international events. Mr Gordon referred to a football event in Glasgow and we have hosted the MTV music awards and the G8 summit. Those successes have a cumulative effect and reinforce the impression that Scotland can handle major events and that people welcome the chance to visit Scotland to attend major events. The more we build on that reputation, the more successful we will be in the future. Mr Donaldson might add to that.

Ian Donaldson (Scottish Executive Finance and Central Services Department): VisitScotland has detailed plans to use the G8 summit as a gold-plated case study of Scotland's ability to host high-profile and high-security events. The summit will be mentioned in press releases and media briefings that are put out through public relations agencies not just in the United Kingdom but in North America, Germany and other key markets. VisitScotland will target the general media as well as the travel media and will mention the summit in printed material that it produces, such as guides to arranging travel to Scotland.

Phil Gallie: I am pleased to hear that.

The Convener: I am departing slightly from the agenda item, but I want to ask about the other side of G8 and what the summit was supposed to achieve for the underdeveloped world, in particular for Africa. I was not a member of the European and External Relations Committee when it produced its report on the preparations for the G8 summit and the contribution that Scotland could make, but I want to ask about three matters about which the Executive responded positively when it responded to the report in June: first, the extent to which the experience of the G8 summit could inform the Executive's development strategy for Malawi; secondly, the committee's recommendation that Scotland set out on the road to becoming a fair trade nation; and thirdly, the committee's recommendation that the Executive use the G8 agenda on Africa and climate change to promote educational opportunities in Scotland.

Such educational work would benefit Scotland and enable Scotland to bring benefits to other parts of the world. How have those matters been progressed since June?

Mr McCabe: We continue to build on the links that we have established with Malawi and we try to do all that we can do to make a positive contribution to that country's development. There have been visits and other contact since June. Discussions that took place not just at the G8 summit but among other leaders who visited Scotland—I mentioned a couple of leaders who met the First Minister immediately after the summit—have contributed to our thinking about how we can best engage with and contribute to parts of the world that face major challenges, in particular Malawi.

We made a commitment to do all that we can do to expand fair trade schemes. As a result, a number of parliamentarians were inspired to become more involved in the fair trade movement—such matters are not solely for the Executive to address. Since G8, a number of MSPs have taken an interest in promoting fair trade schemes locally by linking with schools and other organisations and by adding their weight to local campaigns to establish fair trade towns. All of that was given an added boost as a result of what went on during the G8 summit and the lessons that we learned from it.

There was a high level of involvement of school children in the summit. At the time, packs were produced and circulated to all Scottish schools to raise awareness of the issues that were to be discussed during the summit, and of the conditions that people who are far less fortunate than us experience. The aim was to ensure that, as our children grow and mature, they understand the problems in other parts of the world and empathise with people there. Progress was certainly made on those matters and there is no indication that the Scottish Executive wants to do anything other than continue to make progress.

The Convener: Members will remember that, in the near future, Patricia Ferguson will talk to the committee about progress on the international development strategy. I am sure that she will expand on the points that the minister has just made.

Phil Gallie: I have one observation for the minister. We have congratulated the police and others on the handling of the summit. Does the minister agree that, although every nation has its idiots—particularly the so-called supporters in sport who are not real supporters—the people of Scotland came shining through during the summit, particularly in respect of how they conducted themselves during the march in Edinburgh? Is not that another thing that we can boast about?

Mr McCabe: We entered the summit with considerable confidence on several matters, one of which was how people in Scotland would react to the issues that were discussed, and exercise their legitimate right to make their views known. In 99.99 per cent of cases, people were exemplars and showed that they respect law and order and other people's right to peaceful existence. They wanted to exercise their right to make a point, which they did very well. I am sure that that 99.99 per cent of the Scottish population cannot see how people running along a street in Auchterarder or Stirling and smashing a car window contributes to the alleviation of poverty in the less-advantaged parts of the world. There is a good understanding of that issue in Scotland. As a nation, we came out of the event with considerable credit.

The Convener: We will end on that positive note. I thank the minister and his officials for coming along to discuss the issue.

European Commission Work Programme 2006

14:28

The Convener: The third agenda item is an update on issues that are of interest to the committee in the European Commission's work programme for the year. Annex A to committee paper EU/S2/06/3/3 contains a brief update on the services directive following its first reading in the European Parliament earlier this month. As we have discussed, the main point of the annex is to let members know that the European Parliament voted against the country-of-origin principle and agreed a list of services that the directive will cover. The Commission has said that it will take the Scottish Parliament's views into account in redrafting the directive. When we visit Brussels, we will be given a more detailed briefing.

Annex B is a note on the various EU and Scottish initiatives that focus on communication between the EU and its citizens. Members will see that, since our last meeting, the Commission has published its white paper on the European communication policy, which gives us the opportunity to consider it along with plan D for democracy and debate, the Executive's building a bridge between Europe and its citizens project and what the committee can do. Now that we can compare plan D with the white paper, it is clear that plan D sets out how the Commission intends to facilitate in member states debate on the future of the EU.

The white paper, on the other hand, is explicitly consultative and asks member states, regional and local governments, non-governmental organisations and citizens to contribute ideas on how to close the gap between Europe and its citizens. The Executive's project envisages some coverage of the Parliament's innovative practices, but it will not report until the autumn at the earliest. The white paper's consultation period ends in July.

The work that the committee has agreed to do so far is covered by paragraph 20 onwards of annex B of our issues paper. It suggests a way forward in the light of the communication white paper. I ask members to consider the recommendations with a view to agreement to them.

14:30

Phil Gallie: May I make an observation, convener?

The Convener: Of course you may.

Phil Gallie: We asked our representative in Europe to attend a plan D conference, and his

report on it has been submitted to us. The plan D conference was attended by 400 representatives from all over Europe, so that they could give their views and progress plan D. The time for debate during the conference was about two and a half hours, spread over three sessions. I suggest that if that is the level of communication, comment and consultation that we can expect from plan D, it is absolutely worthless. I found, having read our representative's report, that the basis for that was that the French and Dutch people simply do not understand what Europe is all about. It is totally insulting to go into a consultation with that approach. It is a typical European nose-in-the-air attitude to the treatment of citizens. I can say here and now that plan D is not worth commenting on. It should be dispatched to the rubbish bin and people should think again on the matter. Those views are backed up by the report that was issued by our employee in Brussels.

The Convener: So, are you saying that you agree with our stance that it should be the communication white paper to which we respond?

Phil Gallie: We should perhaps respond to the communication white paper and we should make the strongest representation that plan D is an absolute shambles. It is a mask—God knows what it is a mask for, but it is just a mask.

The Convener: Right. Are there any other comments?

Mr Gordon: I think that we are in violent agreement.

The Convener: Do we have to be violent, Mr Gordon?

Phil Gallie: This is great.

The Convener: Are you in violent agreement, Mr Wallace?

Mr Wallace: I concur with your recommendations, convener.

The Convener: Let us get this right. We will continue to prepare a report on this Parliament's engagement with citizens, but that is for the white paper consultation, rather than in response to plan D. However, we still need to know the views of the UK and Scottish Executive ministers with responsibility for Europe. We need to get more information from them on the UK's activities under plan D. We would like confirmation that the UK Government is talking to the Executive on the matter. We must also remember the building a bridge project and so on.

Phil Gallie: What I have said, and what Charlie Gordon has backed me up on, is that plan D is an absolute waste of time. If anything, we should simply point that out to the Executive and the UK Government.

The Convener: That will be pretty plain when it is published in the *Official Report*, Mr Gallie.

Phil Gallie: I would like it to be a bit more than that: let us tell them.

Mr Gordon: Perhaps I had better apologise for my use of cryptic irony. I was reflecting on the fact that, for all the violence of his language on plan D, Phil Gallie was in fact agreeing with the recommendation that is before us.

The Convener: Rather colourfully.

Mr Wallace: Our paper refers to the response of the Scottish Executive and the UK to plan D. Perhaps we should also get some indication of their responses to the communication white paper.

The Convener: Yes. We have also still not heard from the Executive about the building a bridge project, although I understand that representatives of the Executive are coming to explain it all to us on 14 March. That will be wonderful, won't it?

Mr Gordon: The wonder will be untold. *[Laughter.]*

The Convener: Is that agreed?

Phil Gallie: I want to make one more point.

The Convener: You are determined.

Phil Gallie: It is a very small point.

Mr Gordon: He is not going to take yes for an answer.

Phil Gallie: I would hate to think that my earlier comments might be viewed as having been "violent". I would say that they were strong.

Mr Wallace: They were robust.

Phil Gallie: They demonstrated a certain strength of feeling—

The Convener:—and great fortitude.

Phil Gallie: That strength of feeling was based on the accuracy of my condemnation of the situation, as it was reported by our employee in Brussels.

The Convener: Fine lad that he is.

Petition

Fishing Industry (PE804)

14:35

The Convener: Item 4 is a petition by Carol MacDonald and Morag Ritchie, calling on the Scottish Parliament to use its influence to return control over its fishing industry to Scotland. Members will have seen from the papers for this meeting that the Environment and Rural Development Committee agreed that it would not consider the petition, but Sarah Boyack's letter draws to our attention her committee's previous work on a related issue. Members will also have seen the letters from the Minister for Environment and Rural Development to the Public Petitions Committee, dated 17 April and 13 October last year, setting out the Executive's position on the common fisheries policy and fisheries management. The Public Petitions Committee heard from the petitioners themselves, and in 2003 they gave evidence to the then Rural Development Committee as part of its inquiry into general issues facing the fishing industry. The petitioners have not offered us further information in support of the petition.

It seems obvious that there are two options: not to consider the petition and to end its parliamentary consideration; or to undertake some information-gathering exercise or inquiry of our own. Do members have any views?

Phil Gallie: I have a view—surprise, surprise. When we discussed this matter in committee before, I fully acknowledged that the detail of the fishery arguments was something that should be discussed elsewhere. However, the petition also refers to the constitutional aspects of the issue and to the legality of the common fisheries policy. There remains some dispute over that, although I believe that the minister has moved some way to recognising that perhaps it would be possible for Britain to stay within Europe and end the common fisheries policy agreement.

If we were to consider the Cod Crusaders' ideas on the petition, I am sure that they would bring that issue right to the forefront of the debate, but I do not think that anybody has really researched the situation and said either that it is possible to pull out or that it is definitely not possible. We would be doing justice to the petition if the committee agreed to see whether or not there is validity in the claim that Britain could legally withdraw from the common fisheries policy. I think that we should examine that aspect of the petition, not to decide whether the matter is reserved, but to decide whether the petition has merit on that specific issue.

Mr Wallace: I do not agree with the objectives of the Cod Crusaders, but their case should be heard; indeed, it appears that the Parliament has heard their case. Phil Gallie's point is on the constitutional position of the CFP, which, as he fairly says, is a completely different issue from the implementation details of the CFP. If we were to hear evidence from the petitioners on that point, we could not hear them on their own. That would be tantamount to opening up a new inquiry, and we would want to involve constitutional lawyers and others who would be able to tell us about the practical implications—for example, could we put boundaries in the sea to stop the fish swimming? That is a flippant question, I know, but there is an issue about the fact that fish do not recognise international boundaries. That would be a major undertaking, and I am not saying that we should not do it, but I would want to see a paper outlining just what we would be embarking on before we agreed to go down that path.

The Convener: I guess that we would be talking about Westminster ministers, the Cod Crusaders themselves and other witnesses.

Mr Gordon: I tend to go along with Jim Wallace's view. We would have to scope out what might lie before us. If we took on the petition, there would be various implications and we do not have up-to-date information from the petitioners. For example, although it was their intention to put the matter to the European Parliament there is no evidence that that has happened. I am wary of taking on something by default that ends up being a major commitment when a great many other matters are before us.

The Convener: Is it the committee's view that we should ask Alasdair Rankin and the clerking team to consider the implications of what would be required to do the petition justice and to come back to the committee at the next meeting with a paper suggesting how we can move forward?

Mr Gordon: The paper should include their views on whether someone else should take the petition on.

The Convener: The petition has been round the houses. The Environment and Rural Development Committee has given it back to us, saying that it feels that we are the most appropriate vehicle for it.

Phil Gallie: The petition has been put before the Scottish Parliament, so it is up to us as a Parliament to deal with it. I recall that somewhere along the line the clerks established that the petition has not gone to the European Parliament. I would be more than happy if the clerks were to prepare a paper along the lines that Jim Wallace suggests. That would be a reasonable step forward.

On Charlie Gordon's point, once the paper has been produced we could perhaps invite the Cod Crusaders back, to see whether the suggested approach would meet the original intentions of their petition. We could thereafter decide what we will do about the petition.

Mr Gordon: That seems to be my suggestion the wrong way round. I am not sure that we should invite petitioners in to comment at the point in the process when we are considering a scoping paper on whether we should do a piece of work.

Phil Gallie: I am saying that we should invite them back once the scoping paper has been produced. I agree on the scoping paper element; I give total support to that suggestion.

The Convener: A scoping paper will be prepared for 14 March, if that is feasible.

Phil Gallie: Does that give the clerks sufficient time?

The Convener: Nick Hawthorne looks very confident. When Emma Berry comes back he will tell her to do it. We are moving forward on the matter. That is good.

Pre and Post-council Scrutiny

14:42

The Convener: Item 5 is on pre and post-council scrutiny. Do members have any comments? I am sure that Phil Gallie does.

Phil Gallie: All right. I have numbered the papers from one down to 13. I will pick up on paper two first.

The Convener: Which council is that? Our copies are not numbered.

Phil Gallie: It is the justice and home affairs council.

I have a general question about the European evidence warrant. What does it mean for individuals? A recent high-profile case involved Mr Irving, who wrote a book in which he denied the Holocaust. He voluntarily went back to Austria. He was not in contravention of United Kingdom laws.

I emphasise that I do not have much sympathy with him, but the case is a good one to consider. He violated not UK law, but Austrian law. Would he have come under the jurisdiction of the European evidence warrant? Could he have been extradited from the UK, if that warrant had been in place? He went to Austria voluntarily, but if the warrant could have applied to him that would concern me a little.

The Convener: I ask Jim Wallace, our resident legal eagle, whether he has a view on that.

Mr Wallace: I would have to check, but I always thought that for extradition to take place there had to be a comparable crime in both places. Mr Irving was arrested in Austria when he went there voluntarily to address a right-wing, neo-Nazi youth movement. If he was subsequently released on bail or the equivalent of bail and went back that is fine. I suspect that if there had been no chance of his returning voluntarily he might have found that he would not have been released. Certainly, the initial nature of his trip was voluntary and the purpose of his trip was to address a neo-Nazi rally. I do not think that there is anything in the documents before us that would cover that eventuality.

My recollection is that, for extradition, you need a comparable crime in both jurisdictions.

14:45

Phil Gallie: That is the point that I am making. That is the law as it currently stands. I am asking whether the European evidence warrant supersedes that.

The Convener: We can ask the Executive.

Phil Gallie: It is an interesting issue. There could be circumstances in which it could have detrimental effects.

Mr Wallace: It is an evidence warrant; it is not for an arrest.

The Convener: You say that as if we would understand what you are talking about. Remember, you are the only lawyer here.

Mr Wallace: Evidence is not people. I assume that the issue relates to whether, for example, a search warrant that is issued by the Scottish authorities can be recognised or exercised in Sweden. It is not to do with taking away anyone's liberty. I should say that that explanation is just off the top of my head. We should probably get some clarification of the issue.

The Convener: Just to make sure, yes.

Phil Gallie: Towards the end of the paper, the section headed "General" mentions the

"Follow-up to the Court's judgement of 13 September 2005 (Case C-176/03 Commission v Council)."

I did not understand what that was all about because I could not remember what that court judgment was.

The Convener: Where is this, Phil?

Phil Gallie: In the same paper, in annex B. Can anyone clarify that?

The Convener: We should ask the Executive to clarify that point.

Phil Gallie: I just want an explanation of what it means.

The Convener: Do members wish to add anything further?

Phil Gallie: I have lost my tick sheet. I can see that you are glad.

The Convener: Not at all. I really enjoy your little discourses.

Phil Gallie: I would like to talk about paragraph 4 of the section that is headed:

"EU Environment Council: Annotated Provisional Agenda 9th March 2006".

Paragraph 4 deals with the thematic strategy on the prevention and recycling of waste, which relates to a question that I asked Mr McCabe earlier. The Executive has not picked up on this matter but I would like to know what effect this has on the burning off of waste oil by garages and so on for heating purposes. You touch on that in your report, convener.

The UK's position appears to be supportive of that practice, yet garages are being stopped by Europe from burning off old oil because it is a

waste product. Further, the European courts have said that Longannet should stop burning sewage pellets. The European approach is creating waste unnecessarily.

The Convener: Would you like us to write to the Executive pointing out that seeming anomaly and asking for a response?

Phil Gallie: We should consider the issue when we deal with your report, which refers to it.

The Convener: Okay. I will put that on hold until the final item. If members have no other comments on these documents—

Phil Gallie: Sorry, convener—

The Convener: Do you have another point, Phil?

Phil Gallie: Yes. Moving down the line—

The Convener: You do this deliberately.

Phil Gallie: Not really. I just cannot read my own handwriting on the papers.

Item 7 in the employment, social policy, health and consumer affairs council paper is on the

"portability of supplementary pension rights",

which issue is very much to the fore at the moment. Once again, I have to wonder what such a phrase really means. I am not against Polish workers, but are we saying that if one aged 55 came to this country, worked for five years and then retired they would be on this country's pension list for ever, like any other individual who had worked a lifetime in the UK? If that is what is meant by portability, I think that it is wrong. However, before I say that it is wrong, I would like some clarification.

The Convener: I do not think that that is what is meant, but I have to say that I do not know why I think that. I might have read about it previously. We should certainly ask for clarification.

Phil Gallie: Rather than bore the rest of the committee, I will leave my comments at that for today.

The Convener: Are you sure?

Phil Gallie: Well, convener, if you insist—

Sift

14:51

The Convener: We move on to item 6, which is our regular sift of EU and European Community documents and draft legislation. At the Conveners Group meeting the other day, our European officer, Ian Duncan, explained to committee conveners the tracking system for European white papers, green papers, legislation and directives that we hope will eventually replace our current presentation of the sift document and will be more useful to the committee and others. I believe that the current sift is a revision of the previous, more cumbersome process, and we are trying to improve things all the time.

The first item that has been flagged up is a Commission communication on the results of the green paper consultation on defence procurement. We held this item over because we knew that Phil Gallie was interested in it, but was unable to attend the previous meeting. The committee also agreed to track the subject. Do members have any comments?

Phil Gallie: I am very grateful that the item has been held over. Although some interesting work has already been carried out, the committee faces quite a task if it wants to keep abreast of the matter. If Ian Duncan can do so, I would be much obliged to him.

The Convener: We have already considered the second item that has been flagged up, which is the white paper on a European communication policy paper. I believe that members' comments on the matter were pretty definitive.

The third item, which concerns this committee and the Enterprise and Culture Committee, is a Commission communication to the spring European Council, setting out the progress on the EU Lisbon agenda for growth and jobs. Are members content with these referrals?

Members *indicated agreement.*

Convener's Report

14:53

The Convener: The final item is the convener's report. First, I seek members' comments on a response from the Executive to two issues that Phil Gallie raised on the biomass action plan and energy issues.

Phil Gallie: I refer members to my earlier comments. I think that it would be well worth the committee's time to take some interest in this matter.

Mr Gordon: It is understandable that the Executive should draw attention to the current UK energy review. Interestingly, on clean-coal technologies, it says first that it does not think that there is any inconsistency in its approach in that respect and then ends up saying that any "inconsistencies" can be ironed out in the energy review.

In the meantime, the world has moved on. I am greatly encouraged by Scottish Power's recent announcement of its major investment in clean-coal technology: it will invest £170 million to extend the working life of Longannet power station, among others. We are in a dynamic situation, however. It may therefore be tricky for us to get in behind the issues without the risk of slowing things down. A major policy review is also under way. I understand that that will culminate in the summer, in about June.

Phil Gallie: Charlie Gordon has a point on the energy review. It prompts me to congratulate him and the Labour Party on seeing the light on nuclear energy. That is a major step forward. I look forward to supporting Tory policy when I support the Labour Administration in future energy debates.

I would like us to debate the issue again, once the energy review has reported. We need to bear it in mind that the issue is very much a European one. We need look only at the Lisbon agreement to see the emphasis that the EU places on energy policy. It is therefore appropriate for us to pick up the issue and run with it, but we should do so at the appropriate moment.

The Convener: We are tracking it; we will keep on doing so.

Phil Gallie: I remain convinced of the other points that I made earlier on waste. That issue should be seen in parallel, but we should look at it on its own merits.

The Convener: We are tracking energy policy, but I am not sure about waste.

Alasdair Rankin (Clerk): It is energy issues in general.

The Convener: Right. So, we will ensure that we also track waste.

Phil Gallie: As it relates to the previous item, on the pre and post-council agenda.

The Convener: The third issue is a response from the Executive to a request that we made—I think that it came from Mr Wallace—for further information on the Alcatel ruling. Are you pleased with the response, Jim?

Mr Wallace: I welcome it. I am not sure about its practical implications, however. My understanding of the situation is that the Executive is saying that, after an award of a public procurement contract, a period of time has to elapse—although it is not a very long one—during which an aggrieved bidder can raise an issue. I note that the ruling has been incorporated into the most recent Scottish statutory instrument on public sector procurement. Clearly, the Executive has carried it through.

The proof of the pudding will be how it works out in practice. The time period involved is not long. I am not entirely clear about the level of evidence that would be required to get the Court of Session to put a brake on the award of a contract, pending a further inquiry. That said, I am content; we have received an explanation.

The Convener: You are content that we should note it.

Mr Wallace: Yes.

The Convener: Okay.

We move on to the final item in my report. Members may recall that we were quite annoyed at Ross Finnie's department for not responding to us in due time on the question of the agriculture and fisheries council. We have now received the minister's reply to the letter that we sent about the problems that we experienced in terms of our pre and post-council scrutiny. The minister is contrite; he says that the situation is not acceptable and that he has put in place steps to put the matter right. I suggest that we write to thank him for his response.

Phil Gallie: It is a welcome response, provided that he lives up to it.

The Convener: There is always a condition at the end with you, Phil. Do you propose to track him every fortnight?

Phil Gallie: Why not? We are tracking everything else.

The Convener: That brings us to the end of the meeting. I thank the three members who attended today. For our next meeting on 14 March, we will

be back at our usual time of 2 pm. The meeting is in the week before our visit to Brussels.

Meeting closed at 14:59.

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